

APR 19 2007

Attorney Docket No. 249.P2  
**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark W. Becker

Serial No.: 10/785,497

Group No.: 1657

Filed: February 24, 2004

Examiner: Paul C. Martin

For: Prodrugs of Phosphonate Nucleotide Analogues and  
Methods for Selecting and Making SameCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No. 25000

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCESApplicant hereby appeals to the Board of Patent Appeals from the last decision of the Examiner  
mailed December 19, 2006.

The item(s) checked below are appropriate:

## 1. STATUS OF APPLICANT

☐ a small entity - verified statement:☐ attached.☐ already filed.☒ other than a small entity.

## CERTIFICATE OF MAILING (37 CFR 1.8 (a))

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (571-273-8300) or deposited with  
the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on April 19, 2007

Signature Donna MacedoTyped or printed name Donna Macedo

04/20/2007 TL0111 00000063 071250 10785497

01 FC:1401 500.00 DA  
02 FC:1251 120.00 DA

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**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17 (e) the fee for filing the Notice of Appeal is:

- ☐ small entity \$250.00  
☒ other than a small entity \$500.00

Notice of Appeal fee due \$ 500.00**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (a) (fees: 37 CFR 1.17 (a)-(d)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/>	one month	\$120.00	\$60.00
<input type="checkbox"/>	two months	\$450.00	\$225.00
<input type="checkbox"/>	three months	\$1,020.00	\$510.00
<input type="checkbox"/>	four months	\$1,590.00	\$795.00

Fee \$ 120.00

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$ 500.00Extension fee (if any) \$ 120.00TOTAL FEE DUE \$ 620.00**5. FEE PAYMENT**☐ Attached is check in the sum of \$ \_\_\_\_\_☒ Charge Account No. 07-1250 the sum of \$ 620.00

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**☒ If any additional extension and/or fee is required,  
charge Account No. 07-1250

AND/OR

☒ If any additional fee for claims is required,  
charge Account No. 07-1250

Reg. No. 27,043

Tel. No.: (650) 522-5535

  
SIGNATURE OF ATTORNEY

Max D. Hensley

Type or print name of attorney

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